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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

July 14, 2008

TO: Rebecca A. Humphries, Director

INFORMATION: Natural Resources Commission

Transaction: Parks and Recreation Conservation Easement Acquisition  
Leelanau State Park – Leelanau County  
Smith/Zuercher Tract Conservation Easement  
Land Transaction Case #20070332

Purchase: Conservation easement and public access on 51.0 acres of land with 1,400 feet of shoreline on Lake Michigan – \$2,010,000.00.

Description: A parcel of land located in Leelanau Township, Leelanau County, Michigan, recorded at Liber 590, Page 819, more fully described as follows:

Part of fractional Section 5, T32N, R10W, commencing at the Southwest corner of said section, thence North 880 feet to the Point of Beginning, thence North along the West section line to the shore of Grand Traverse Bay, thence Southeasterly along the shore to a Point East of the Point of Beginning, thence West to the Point of Beginning. Containing 11.0 acres, more or less. The same being tax parcel 008-005-001-00.

Together with the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 6, T32N, R10W. Containing 40.0 acres, more or less. The tax parcel 008-006-004-00.

Subject to the rights-of-way of Leelanau County Road 940 and Cathead Bay Road. Subject to all easements, agreements and restrictions of record, if any.

Grantor: Leelanau Conservancy, Leland, Michigan

Option Expires: September 29, 2008

Reservations: As specified in the Conservation Easement

NATURAL RESOURCES COMMISSION

Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • Darnell Earley • John Madigan • J. R. Richardson • Frank Wheatlake

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Property Taxes: Not applicable for a Conservation Easement

Authority: Part 5 of Act 451, Public Acts of 1994, as amended

Notice: This item will appear on the Department of Natural Resources' (Department) August 4, 2008 Calendar, and is eligible for approval on August 11, 2008.

Comments: This acquisition of a conservation easement involves the protection of approximately 51.0 acres of land consisting of shrub rangeland, northern hardwood boulder forest, upland and lowland coniferous forest, shoreline wetlands, boulder lag terrace, and cobble and sand beaches. The property is prime migratory bird stopover habitat used by 100 species of songbirds, raptors, and waterfowl. Situated within the dedicated boundary of Leelanau State Park and adjacent to conservation easement protected private land to the west, and State-owned land at Lighthouse Point to the north, this project enhances protection along this critical eastern shore of the peninsula.

The acquisition is in partnership with the Leelanau Conservancy, with funding from the Michigan Natural Resources Trust Fund (MNRTF). Leelanau Conservancy optioned the property in 2006 for \$2,040,000.00. The Conservancy will hold the remainder interest, with the conservation and access easement being sold to the Department. In December 2006, the MNRTF Board approved a grant of \$2,043,000.00 toward the purchase of this conservation easement. The rights to be acquired by the Department were appraised at \$2,950,000.00 and are being purchased for \$2,010,000.00.

The primary purposes of the easement are to protect the property's natural resources and shoreline values; to retain high quality habitat for native plants and animals; to maintain and enhance the natural features of the property; and provide public access which is compatible with natural resource protection.

Any activity or use which is inconsistent with the purposes of the conservation easement or which impairs the conservation values of the property is prohibited. The easement has the following key provisions:

Property Management. The property will be managed for natural resource conservation, and public recreation, according to the Department goals and management procedures. A Property Management Plan is being jointly prepared by the Grantor and the Grantee prior to undertaking any management activities. The Leelanau Conservancy will be provided an opportunity for input into the management goals, for the property.

Development. Except for visitor amenities such as trails, signs, kiosks, and parking areas approved under the Property Management Plan, no residential, commercial, or industrial development is permitted.

Cutting Vegetation. Cutting down or otherwise destroying or removing trees or other vegetation whether living or dead is prohibited, except as permitted under the Property Management Plan.

Public Access. The public shall have the right of access to the property for passive recreational and educational purposes, including hunting, according to rules set forth in the Management Plan. This access is for pedestrian use only. Public access via motorized vehicles is prohibited, except in a designated parking area if such parking is later developed. The Grantor is not obligated to provide any infrastructure to facilitate public access.

Right of Public Fishing or Hunting Access. The public shall have the right to fish or hunt from the property and its shoreline subject to applicable state law and in a manner consistent with the conservation purposes and conservation values of the property.

Minerals. Mining or alteration of the surface of the land is prohibited, including the removal of any substance that must be quarried or removed by methods that will consume or deplete the surface, including, but not limited to, the removal of topsoil, sand, gravel, rock, and peat. In addition, exploring for, developing, storing and extracting oil, gas, hydrocarbons, or petroleum products is prohibited.

Baseline Documentation. The Leelanau Conservancy has documented the resources and condition of the property at time of transfer of the easement to the Department in a "Baseline Documentation Report." This report has been reviewed and approved by the Department and will serve as the information baseline for monitoring compliance with the easement.

This is a strategic acquisition that serves to consolidate protection of the shoreline and associated natural features that are the hallmark of the Leelanau Peninsula. Critical habitat for migratory species and expanded opportunities for public outdoor recreation will be secured under the easement. Together, Leelanau Conservancy and the Department have worked to conserve shoreline property within the dedicated boundary of Leelanau State Park, thus eliminating the possibility of future encroachments on hunting opportunities on the public lands that would result from safety zones adjacent to dwellings.

Recommendations: (1) That purchase of this conservation easement be approved, with payment to be made from the MNRTF, Leelanau State Park Conservation Easement, Act 59, Public Acts of 2007.

- (2) That Department staff work with the Leelanau Conservancy to complete the Property Management Plan to Department specifications within 180 days of the closing.
- (3) That the property be dedicated as part of the Leelanau State Park, with the easement to be administered by the Parks and Recreation Division, according to terms and conditions specified in the easement document.
- (4) That the efforts of the Leelanau Conservancy in achieving this land protection partnership, as well as the Conservancy's strong support of the Department's mission, be recognized with appreciation.

David E. Freed, Chief  
Land and Facilities

Ronald A. Olson, Chief  
Parks and Recreation

Lynne M. Boyd, Chief  
Forest, Mineral and Fire Management

Kelley D. Smith, Chief  
Fisheries

Douglas A. Reeves, Acting Chief  
Wildlife

Arminda S. Koch  
Resource Management Deputy

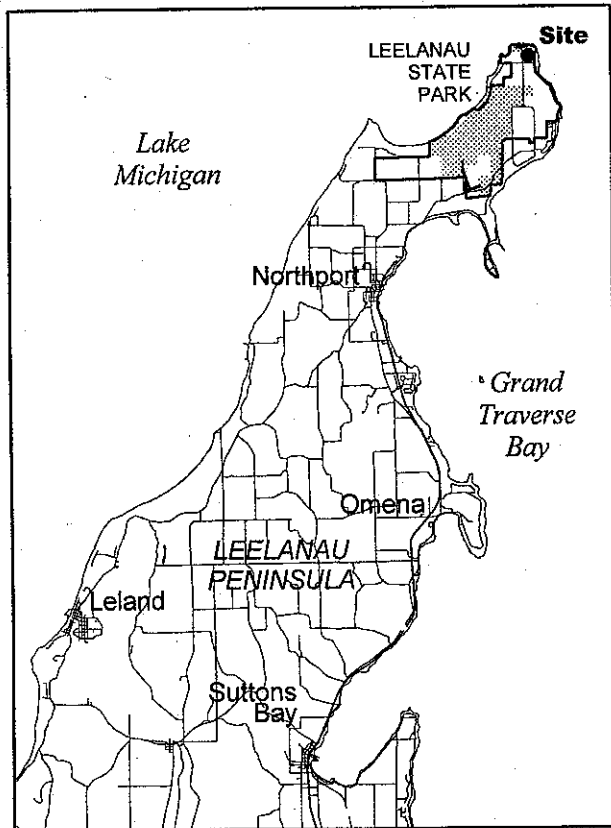
I approve the staff recommendations.

Rebecca A. Humphries  
Director

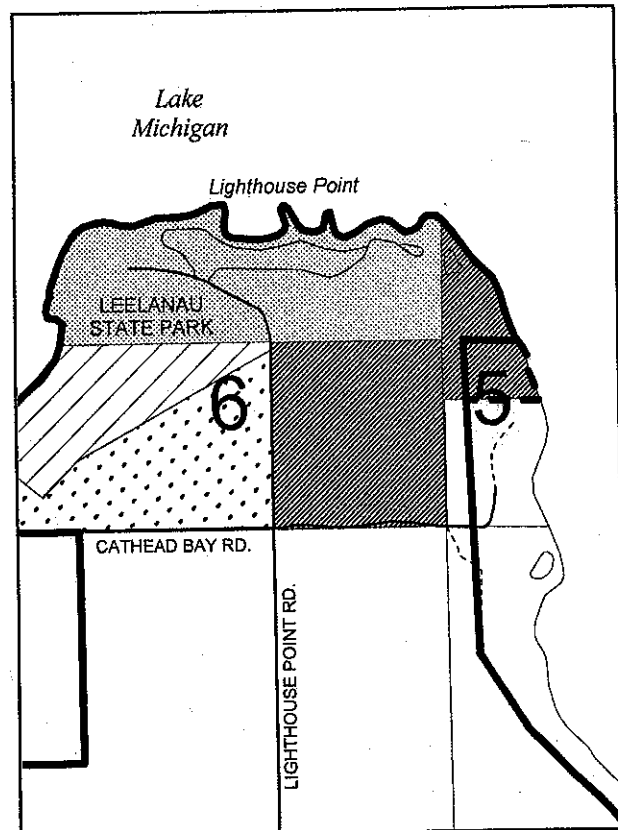
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Date Approved

# PARKS AND RECREATION CONSERVATION EASEMENT ACQUISITION AND BOUNDARY MODIFICATION

Leelanau State Park - Leelanau County  
The Kathryn Smith and Elizabeth Zuercher Tract  
Land Transaction Case #20070332

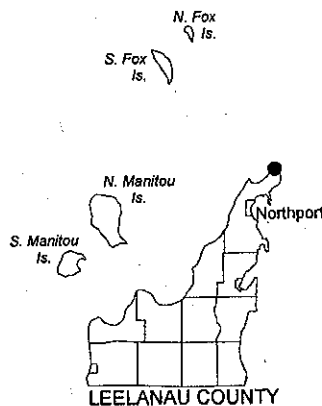


Regional Location



Sections 5, and 6, T32N, R10W  
Leelanau Township

- State Park Boundary
- Proposed Boundary Modification
- Conservation Easement Offered to DNR (51.0 acres - \$2,010,000.00)
- Leelanau Conservancy Conservation Easement
- Leelanau Conservancy Natural Area with DNR Conservation Easement
- State Land
- Private Land



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